

REMARKS

1. Applicant's Amendment After Final Rejection was not entered as the Examiner deemed the amendments to the claims as raising new issues. This Amendment is being submitted with the filing of a Request for Continued Examination (RCE) and presents the amendments to the claims presented in the unentered Amendment After Final Rejection.

2. The Final Office Action rejected Claims 1 - 6, 10 - 13, 24 and 27 under the provisions of 35 U.S.C. §102(b), as being anticipated by U. S. Patent No. 6,256,934 (Alley). The Final Office Action stated that Alley discloses a mounting bracket for attachment to a roof seam having first and second clamping members and an actuator for moving the second jaw to clamp the seam. This rejection is respectfully traversed.

Applicant would direct the Examiner's attention to the amendment of independent Claims 1 and 10 above. More particularly, Claim 1 has been amended to define the first and second clamping jaws as having substantially planar seam-engaging surfaces that are capable of engaging the raised roof seam without causing any substantial deformation of the raised roof seam irrespective of the amount of clamping force exerted on the seam. Claim 10 is similarly amended to specify that the removable inserts have substantially planar seam-engaging surfaces that do not cause deformation of the raised roof seam irrespective of the amount of clamping force exerted by the inserts.

Applicant respectfully submits that the Alley reference discloses a pair of opposing clamping pads that are specifically positioned in an offset alignment. Furthermore, the Alley clamping pads are formed with balls that project outwardly of the surface of the clamping pad, with the balls on the opposing pads being offset to one another. This very specific arrangement of these specially formed, balled, clamping pads is clearly intended to affect a deformation of the raised roof seam when sufficient

clamping force is exerted to hold the mounting bracket on the raised roof seam and to prevent the snow barrier from sliding along the roof seam, particularly under load.

The Alley reference cannot meet or make obvious the invention as defined in independent Claims 1 and 10, as amended. Specifically, Alley contains no teaching or suggestion for a pair of clamping jaws that have a substantially planar seam-engaging surface that will not deform the raised roof seam irrespective of the amount of clamping force exerted on the seam. Furthermore, Alley contains no teaching or suggestion that one of the clamping jaws is fixed to one of the side walls of the body portion such that the fixed clamping jaw is prevented from moving toward or away from the other clamping jaw, which accomplishes all of the translational movement to affect clamping of the raised roof seam. Clearly, Alley teaches that both clamping pads are translationally movable.

Applicant would direct the Examiner's attention to the cancellation of method Claims 24 - 27 from the application.

In view of the amendments made above, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

3. The Final Office Action rejected Claims 7 - 9, 14 - 17, 19 - 23, 25 and 26 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Alley in view of U. S. Patent No. 6,453,623 (Nelson). The Final Office Action stated that it would be obvious to modify the teachings of Alley to incorporate the receptacle of Nelson for mounting a snow stop. The Final Office Action also stated that Nelson discloses a generally vertical opening for a fastener (5) to engage the snow stop, and that Nelson also discloses an edge wedge shape for engagement of the snow stop. This rejection is respectfully traversed.

Applicant would direct the Examiner's attention to the amendments made to independent Claim 17 to clarify Applicant's invention and distinguish the cited prior art

references. More specifically, Applicant has amended independent Claim 17 to clarify that the vertical opening passes from within the cavity formed in the body portion of the mounting bracket to permit the passage of a locking fastener to engage the snow retention device mounted on the top of the mounting bracket in the open depression formed thereon. The locking fastener is engagable only from within the cavity, as opposed to being externally accessible, as is taught in Nelson. Thus, Applicant's mounting bracket is capable of receiving the snow retention device, such as a snow guard, a snow rail or other such snow stopping device, on the top surface without externally exposing the locking fastener.

While Nelson does disclose a snow rail mounting apparatus in which the snow rail is slid into a slotted receptacle on top of the mounting apparatus, Applicant's mounting bracket is defined in amended independent Claim 17 in a manner that cannot be met or made obvious by Nelson or Alley, whether taken singly or in combination. More particularly, the opening in the body portion of the mounting bracket to receive a locking fastener for affixing the snow retention device to the mounting bracket is defined as extending vertically from the cavity, which limitation cannot be met by Nelson or Alley.

Accordingly, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

4. Applicants appreciate the continued allowance of Claims 28 - 31 expressed in the Final Office Action and respectfully request that these claims be passed to allowance with the other claims remaining in this application.

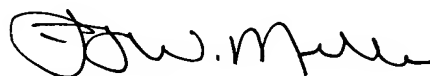
5. In summary, Claims 1, 10, and 17 have been amended, Claims 24 - 27 have been canceled, and Claims 1 - 17 and 19 - 23 and 28 - 31 remain in the application. Applicant believes that the claims are allowable based on the foregoing amendments.

Applicant respectfully requests that all rejections be reconsidered and withdrawn and that all claims remaining in this case be allowed.

Pursuant to currently recommended Patent Office practice, the Examiner is expressly authorized to call the undersigned attorney if in his judgment disposition of this application could be expedited or if he considers the case ready for final disposition by other than allowance.

Respectfully submitted,

Date: October 17, 2005



Larry W. Miller, Reg. No. 29,417
Attorney for Applicant
Miller Law Group, PLLC
25 Stevens Avenue
West Lawn, PA 19609
Phone: (610) 670-9000
Fax: (610) 670-9901